

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Civil Action No. 09-CV-0628 (SLR)

**STIPULATION AND [PROPOSED] ORDER OF VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Xpoint Technologies, Inc. (“Xpoint”) and Defendant Freescale Semiconductor, Inc. (“Freescale”) hereby stipulate and agree, subject to the order of the Court, that Xpoint’s claims for relief against Freescale and Freescale’s counterclaims for relief against Xpoint are hereby dismissed with prejudice, with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

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FREESCALE SEMICONDUCTOR INC.

DATE: \_\_\_\_\_, 2011  
WILMINGTON, DE

SO ORDERED.

\_\_\_\_\_  
Hon. Sue L. Robinson, Judge  
U.S. District Court for the District of  
Delaware

August 4, 2011